

REMARKS

This Amendment is submitted in reply to the Non-Final Office Action mailed on March 24, 2009. No fees are due herewith this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 0112701-00721 on the account statement.

Claims 1-31 are pending in the application. Claims 20 and 23-30 were previously withdrawn from consideration. In the Office Action, Claims 3-5 are objected to. Claims 1-2, 6-19, 21-22 and 31 are rejected only under 35 U.S.C. § 103(a). In response, Applicants have amended Claims 1-2, 6-7, 13-14, 22-24 and 26-31, have canceled Claims 3-5 and 25 without prejudice or disclaimer, and have newly added Claims 32-34. The amendments do not add new matter. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be reconsidered and withdrawn.

In the Office Action, Claim 3-5 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. See, Office Action, page 3, lines 9-12. In response, Applicants have newly added Claims 32-34. The newly added claims do not add new matter and are fully supported by the originally filed Claims 1-5. Indeed, Claim 32 includes the subject matter of previous Claims 1-3, Claim 33 includes the subject matter of previous Claim 4, and Claim 34 includes the subject matter of previous Claims 1 and 5. Therefore, Applicants respectfully submit that Claims 32-34 are novel, nonobvious and distinguishable from the cited reference and are in condition for allowance.

Therefore, Applicants respectfully request that the objection of Claims 3-5 be reconsidered and withdrawn and Claims 32-34 be passed to allowance.

In the Office Action, 1-2, 6-19, 21-22 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/080743 to Taylor et al. ("*Taylor*") in view of WO 99/02081 to Gschwend ("*Gschwend*"). In view of the amendments and/or for at least the reasons set forth below, Applicant respectfully submits that the cited references are deficient with respect to the present claims.

Currently amended independent Claims 1, 22 and 31 recite, in part, apparatuses for preparing beverages comprising an extraction module, a liquid feed tank, pressurizing means comprising at least one autonomous reserve of pressurized gas, a liquid feed chamber, and valve means that are movable in at least two positions to act in a position for feeding the extraction module by the chamber to permit the extraction of the portion in the extraction module, wherein the chamber is connected to the autonomous reserve. Currently amended independent Claim 23 recites, in part, methods for delivering a pressurized liquid in a portable or mobile beverage distribution apparatus comprising providing a valve means acting in at least two positions and a liquid feed chamber, wherein in a second position of the valve means the chamber is emptied after filling the chamber under the pressure of a gas supplied from an autonomous gas reserve of the apparatus. The amendments do not add new matter. The amendments are supported in the specification at, for example, page 16, lines 3-29. Accordingly, the currently amended claims include apparatuses having valve means to act in a position such that the feed chamber is connected to the autonomous reserve of pressurized gas during a limited amount of time, in particular, in the position for feeding the module of extraction. Thus, the apparatuses and methods of the instant claims provide mobile or portable apparatuses that are energetically self-sufficient for preparing a beverage and provide reduced safety risks that are usually associated with large-capacity apparatuses held under permanent pressure. The present apparatuses also reduce the safety risks associated with gasification of the beverage.

Specifically, the apparatuses and methods of the instant claims include an autonomous gas reserve, a feed chamber of smaller volume inside or outside the liquid feed tank and a valve means for easily controlling the feeding of gas in the feed chamber and reverting to a low pressure after the operation of the apparatus for preparation of the beverage. Therefore, the devices work only during a short time under pressure and only when the preparation of the beverage is carried out. The short time at which the small chamber is pressurized eliminates the risks associated with maintaining a large volume under constant pressure and reduces the exchanges of gas-liquid that might impact the taste of the beverage. In contrast, Applicants respectfully submit that the cited references are deficient with respect to the present claims because the cited references fail to disclose or suggest each and every element of the present claims.

For example, *Taylor* and *Gschwend* both fail to disclose or suggest apparatuses having valve means to act in a position such that the feed chamber is connected to the autonomous reserve of pressurized gas during a limited amount of time as required, in part, by the currently amended claims. Instead, *Taylor* is primarily directed to an apparatus having a chamber 18 that is essentially linked to the accuracy of metering liquid in the brewing module 44. *Taylor* is also directed toward resolving sealing issues by replacing a silicone ball and having the metering chamber being separated from the reservoir 14 by a sealing baffle 30. The closing of the sealing baffle further requires a complex closure system including an inflatable bladder. At no place in the disclosure does *Taylor* disclose or suggest apparatuses having valve means to act in a position such that the feed chamber is connected to the autonomous reserve of pressurized gas during a limited amount of time as required, in part, by the currently amended claims. As such, *Taylor* fails to disclose or suggest each and every element of the present claims.

Gschwend is entirely directed to a large-scale, mobile coffee machine in which the pressure required for extracting the ground coffee is generated by compressed air. However, *Gschwend* is also directed to resolving the issue of a large reservoir being maintained under pressure for an extended period of time. See, *Gschwend*, Abstract. This is in direct contrast to the present claims, which require that a valve means is connected to an autonomous reserve of pressurized gas during a limited amount of time. Moreover, at no place in the disclosure does *Gschwend* disclose or suggest apparatuses having valve means to act in a position such that the feed chamber is connected to the autonomous reserve of pressurized gas during a limited amount of time as required, in part, by the currently amended claims. As such, *Gschwend* fails to disclose or suggest each and every element of the present claims. For at least the above-mentioned reasons, Applicant respectfully submits that *Taylor* and *Gschwend* fail to disclose each and every element of the present claims.

Accordingly, Applicant respectfully requests that the obviousness rejection of Claims 1-2, 6-19, 21-22 and 31 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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